

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 22, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:00 p.m. The meeting was recessed by Mayor O'Connor at 2:20 p.m. to convene the Special Meeting on water issues. The meeting was reconvened by Mayor O'Connor at 2:25 p.m. with all Council members present. Mayor O'Connor adjourned the meeting at 4:31 p.m. to convene the Special Meeting on Citizens' Charter Convention and into Closed Session in the twelfth floor conference room to discuss pending litigation and meet and confer items.

ATTENDANCE DURING THE MEETING:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Pratt-present
(5) Council Member Behr-present
(6) Council Member Henderson-present
(7) Council Member McCarty-present
(8) Council Member Filner-present
Clerk-Abdelnour (11)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:
(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present

- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Monsignor Michael Gallagher of
Our Lady of Grace Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Henderson.

FILE LOCATION: MINUTES

ITEM-30:

Two actions relative to the Council District Five
Recall Election:

Subitem-A: (R-91-1790) ADOPTED AS RESOLUTION R-277721

Declaring the results of the Recall Election held in
Council District 5 on Tuesday, April 9, 1991.

Subitem-B: ADMINISTERED

Administering the oath of office to Tom Behr, elected
as the Councilmember for district 5.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A048-175.)

MOTION BY HENDERSON TO ADOPT. Second by Roberts. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: (R-91-1712) ADOPTED AS RESOLUTION R-277722

Proclaiming Tuesday, April 23, 1991 to be "Youth
Service Day" in San Diego; encouraging all area youth
to become more involved in their cities and help to
build a bright tomorrow.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A195-239.)

MOTION BY PRATT TO ADOPT. Second by McCarty. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

* ITEM-50: (O-91-128) ADOPTED AS ORDINANCE O-17631 (New
Series)

Amending Chapter II, Article 3, Division 17, of the San
Diego Municipal Code by amending Sections 23.1701 and
23.1702 (Rule XVI, Sections 1 and 2 of the Rules of the
Civil Service Commission) relating to Discrimination
Complaints.
(Introduced on 4/8/91. Council voted 8-0. District 6
not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-382.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND
ADOPT. Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

* ITEM-51: (O-91-155) ADOPTED AS ORDINANCE O-17632 (New
Series)

Setting aside and dedicating a portion of the south half of Section 2, Township 15 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, California, for a public park.
(District-6. Introduced on 4/8/91. Council voted 8-0. District 6 not present.)

FILE LOCATION: DEED F-5560 DEEDFY91-1

COUNCIL ACTION: (Tape location: A380-382.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-1321) ADOPTED AS RESOLUTION R-277723

Awarding a contract to Kent Meters, Inc. for the purchase of 150 fire hydrant meters for an actual cost of \$56,817, including tax; authorizing the expenditure of an amount not to exceed \$56,817 from Department No. 700, Organization No. 356, Object Account No. 6010, and Job Order No. 10778, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-E2101/91)

Aud. Cert. 9100754.

FILE LOCATION: CONT-Purchase-Kent Meters, Inc.
CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-91-1322) ADOPTED AS RESOLUTION R-277724

Rescinding the Contract with Don'Sales for furnishing D.A.R.E. T-shirts as authorized in Resolution R-276680, adopted October 15, 1990; awarding a contract to D.A.R.E. America, c/o Jack Nadel, Inc., as the sole source vendor, for furnishing D.A.R.E. T-shirts, as may be required for the period starting April 1, 1991 through September 30, 1991, at an estimated annual cost of \$61,000 (\$19,000 for the remainder of Fiscal Year 1991), including tax and delivery charges.
(BID-H1690/91)

FILE LOCATION: CONT-Purchase-D.A.R.E. America, c/o Jack
Nadel, Inc. CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-1307) ADOPTED AS RESOLUTION R-277725

Awarding contracts to Pacific Products, Inc. and San Diego Turf for miscellaneous lawn equipment, for a total cost of \$102,693.46, including tax and terms; authorizing the expenditure of not to exceed \$102,693.46 from Department Nos. 442, 443 and 072, Fund No. 100, Organization Nos. 830, 320, 620, 630, and 520, Object Account No. 6010, and Job Order Nos. 44245, 44332, 44252, 44253, 44353, 44352, 44355, 44352 and 10922, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-G1979/91)

Aud. Cert. 9100793.

CITY MANAGER SUPPORTING INFORMATION: This action will provide for the contractual replacement of sidewalks and curbs throughout the City. There is currently a backlog for concrete work consisting of approximately 1,100 jobs; the oldest job is approximately 32 months old. These work requests are primarily generated by parkway tree removals performed by contract for the

Park and Recreation Department. This contract will allow the Street Division to reduce this backlog. Depending on the bids that are received, it is projected that approximately 200 jobs can be accomplished by the contractor. This is the fifth in a series of like-sized contracts which have been entered into since August, 1989 in an effort to reduce the infrastructure maintenance backlog. A report on maintenance backlogs has been prepared and has been scheduled to be heard at the Public Facilities and Recreation Committee meeting of May 8, 1991.

Aud. Cert. 9100806.

FILE LOCATION: CONT-Purchase-Pacific Products, Inc., and
San Diego Turf CONTFY91-2

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-91-1320) ADOPTED AS RESOLUTION R-277726

Awarding a contract to Sreco-Flexible for one sewer rodder for an actual cost of \$47,320.75, including tax; authorizing the expenditure of not to exceed \$47,320.75 from Department No. 8201, Fund No. 50031, Object Account No. 6013, and Job Order No. 88091, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advgice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-B2045/91)

Aud. Cert. 9100753.

FILE LOCATION: CONT-Purchase-Sreco-Flexible
CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-91-1326) ADOPTED AS RESOLUTION R-277727

Awarding a contract to Courtesy Chevrolet for ten compact sedans (Chevrolet Cavalier) for a total cost of \$82,357.90, including sales tax; authorizing the expenditure of not to exceed \$82,357.90, from Department No. 8201, Fund No. 50031, Object Account No. 6013, and Job Order No. 88090, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Aud. Cert. 9100792.

FILE LOCATION: CONT-Purchase-Courtesy Chevrolet
CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-91-1323) ADOPTED AS RESOLUTION R-277728

Awarding a contract to Environmental Systems Products, Inc. for four Emissions Analyzers (Bar 90), for a total cost of \$57,753, including tax; authorizing the expenditure of not to exceed \$57,753 from Fund No. 100, Department No. 110, Organization No. 305, Object Account No. 6010, and Job Order No. 111290, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-P2140/91)

Aud. Cert. 9100797.

FILE LOCATION: CONT-Purchase-Environmental Systems
CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-91-1324) ADOPTED AS RESOLUTION R-277729

Awarding a contract to Sunbelt Automated Systems, Inc. for furnishing and installing five refuse cart dumping mechanisms (Bandit 90 automated lift) at a total cost of \$84,795, including tax; authorizing the expenditure of not to exceed \$84,795 from Fund No. 50033, Department No. 8203, Object Account No. 6013, and Job Order No. 88080, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-C2014/91)

Aud. Cert. 9100786.

FILE LOCATION: CONT-Purchase-Sunbelt Automated Systems,
Inc. CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-1544) ADOPTED AS RESOLUTION R-277730

Inviting bids for Fire Station No. 4 Renovation on Work Order No. 118850; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$581,637 from CIP-33-071.0 (\$243,115 from Capital Outlay Other Revenue Fund 302453 and \$338,522 from Capital Outlay Fund 30245 for the renovation and related costs for the complete remodel of Fire Station No. 4; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K2239/91)
(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Capital Improvement Project CIP-33-071.0 provides for the design and renovation of the interior and exterior of an existing fire station, located at 404 Eighth Avenue near the Gaslamp Quarter. Separate contract documents are being processed for the removal of all building components containing asbestos materials. The building renovation, as described by this request, must be simultaneously advertised with the asbestos abatement and will follow immediately after the asbestos mitigation. The station houses two engine companies staffed by eight fire fighters which service the Centre City, Barrio Logan, Balboa Park, and Greater Golden Hills Communities.

Aud. Cert. 9100769.

FILE LOCATION: W.O. 118850 CONT - Tri-Core Construction
CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-91-1543) ADOPTED AS RESOLUTION R-277731

Inviting bids for Fire Station No. 4 - Asbestos Abatement on Work Order No. 118850; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$35,000 from CIP-33-071.0, Fund 30245, for the asbestos abatement in preparation for the complete remodel of Fire Station No. 4; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K2238/91)
(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Capital Improvement Project CIP-33-071.0 provides for the design and renovation of the interior and exterior of an existing fire station, located at 404 Eighth Avenue near the Gaslamp Quarter. A separate contract and contract documents are being processed for the removal of all building components containing asbestos materials. The building renovation contract will be advertised at the same time as the

asbestos abatement, and will follow immediately after the asbestos mitigation. The station houses two engine companies staffed by eight fire fighters which service the Centre City, Barrio Logan, Balboa Park, and Greater Golden Hill communities.

Aud. Cert. 9100767.

FILE LOCATION: W.O. 118850 CONT - Tri-County Insulation Co.,
Inc. CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-91-1549) ADOPTED AS RESOLUTION R-277732

Inviting bids for the Construction of Traffic Signal and Street Lighting Systems at Fay Avenue and Genter Street on Work Order No. 119533; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$70,900 from CIP-62-292.0 DIF Funded, Fund 79514, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in Fund 79514.
(BID-K2241/91)

(La Jolla Community Area. Districts-1.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersection. Traffic signal features include emergency vehicle preemption equipment on Fay Avenue.

Aud. Cert. 9100764.

FILE LOCATION: W.O. 119533 CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-91-1551) ADOPTED AS RESOLUTION R-277733

Inviting bids for the Construction of Alley Paving for Group 69 on Work Order No. 147205; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$217,000 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation for Sewer Main Replacements, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K2253/91) Uptown Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: Group 69 is a sewer and water replacement project in the Hillcrest area which was awarded to Peter Artukovich Construction Co., on December 15, 1989. The contractor was issued a Notice to Proceed on January 19, 1990. The contractor has subsequently defaulted the contract by failing to complete the alley paving requirements as stipulated in the specifications.

This project will complete the previous contract by constructing concrete alley pavement at the following locations:

1. Alley Block 8, Brookes Addition, bounded by Pennsylvania Avenue, Brookes Avenue, Fourth Avenue and Fifth Avenue.
2. A portion of Alley Block 3, Brookes Addition, and Alley Block 6, Nutts Addition, bounded by Pennsylvania Avenue, Robinson Avenue, Fourth Avenue and Fifth Avenue.
3. Alley Block 3, Nutts Addition, bounded by Robinson Avenue, University Avenue, Fourth Avenue and Fifth Avenue.
4. Alley Block 2, Nutts Addition, bounded by Robinson Avenue, University Avenue, Third Avenue and Fourth Avenue.

Aud. Cert. 9100779.

WU-P-91-135.

FILE LOCATION: W.O. 147205 CONT - Frank and Son Paving,
Inc. CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-1725) ADOPTED AS RESOLUTION R-277734

Granting an extension of time to July 31, 1991, to
Lusk-Smith/Mira Mesa North, subdivider, to complete the
Improvements required in Lusk Industrial Park Unit No.
1. Located southwesterly of Mira Mesa Boulevard and
I-805.
Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On June 23, 1980, the
City entered into an agreement with Lusk/Mira Mesa, a limited
partnership, for the construction of public improvements for Lusk
Industrial Park Unit No. 1. The agreement expired on June 23,
1982. The subdivider has requested an extension of time to July
31, 1991 in which to complete the required improvements. The
improvements are approximately 95 percent complete. It is
recommended that the time extension be granted since the
improvements to be delayed are not necessary to serve adjacent
developments or the general public. The time extension is in
accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Lusk Industrial Park Unit No. 1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-1724) ADOPTED AS RESOLUTION R-277735

Granting an extension of time to July 31, 1991, to
Lusk-Smith/Mira Mesa North, subdivider, to complete the
improvements required in Lusk Mira Mesa Business Park
East I Unit No. 3.
(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On February 3, 1986, the City entered into an agreement with Lusk Smith/Mira Mesa North, a limited partnership, for the construction of public improvements for Lusk Mira Mesa Business Park East I Unit No. 3. The agreement expired on February 3, 1988. The subdivider has requested an extension of time to July 31, 1991 in which to complete the required improvements. The improvements are approximately 80 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Lusk Mira Mesa Business Park East I
Unit No. 3

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-91-1721) ADOPTED AS RESOLUTION R-277736

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Mercy Mira Mesa Unit No. 1, to provide for the substitution of Mercy Mira Mesa 207 Associates, as subdivider; granting an extension of time to June 22, 1992; accepting Performance Bond No. 5863, issued by Pacific States Casualty Company, in the amount of \$357,217, as surety for the required improvements in the subdivision, and releasing Performance Bond No. SC 645 48 30, issued by the American Insurance Company, in the amount of \$1,185,949.

(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On January 19, 1988, the City entered into an agreement with American Newland Associates, a California general partnership, for the construction of public improvements for Mercy Mira Mesa Unit No. 1. The agreement expired on January 19, 1990. The property is now owned by Mercy Mira Mesa 207 Associates, a California general partnership. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The

amended agreement also provides for an extension of time to complete the work to June 22, 1992. The work is approximately 95 percent complete. The new subdivider has provided a performance bond for the approved amount of \$357,217. The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

FILE LOCATION: SUBD-Mercy Mira Mesa Unit No. 1
CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-91-1722) ADOPTED AS RESOLUTION R-277737

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Mercy Mira Mesa Unit No. 2, to provide for the substitution of Mercy Mira Mesa 207 Associates, as subdivider; granting an extension of time to June 22, 1992; accepting Performance Bond No. 5861, issued by Pacific States Casualty Company, in the amount of \$870,378, as surety for the required improvements in the subdivision; releasing Performance Bond No. SC 645 48 42, issued by the American Insurance Company, in the amount of \$2,409,510.

(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On February 8, 1988, the City entered into an agreement with American Newland Associates, a California general partnership, for the construction of public improvements for Mercy Mira Mesa Unit No. 2. The agreement expired on February 8, 1990. The property is now owned by Mercy Mira Mesa 207 Associates, a California general partnership. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The amended agreement also provides for an extension of time to complete the work to June 22, 1992. The work is approximately 85 percent complete. The new subdivider has provided a performance bond for the approved amount of \$870,378.

The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public..

FILE LOCATION: SUBD-Mercy Mira Mesa Unit No. 2
CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-91-1723) ADOPTED AS RESOLUTION R-277738

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Mercy Mira Mesa Unit No. 3, to provide for the substitution of Mercy Mira Mesa 207 Associates, as subdivider; granting an extension of time to June 22, 1992; accepting Performance Bond No. 5862, issued by Pacific States Casualty Company, in the amount of \$381,928, as surety for the required improvements in the subdivision; releasing Performance Bond No. SC 645 48 40, issued by the American Insurance Company, in the amount of \$1,136,333.

(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On February 8, 1988, the City entered into an agreement with American Newland Associates, a California general partnership, for the construction of public improvements for Mercy Mira Mesa Unit No. 3. The agreement expired on February 8, 1990. The property is now owned by Mercy Mira Mesa 207 Associates, a California general partnership. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The amended agreement also provides for an extension of time to complete the work to June 22, 1992. The work is approximately 88 percent complete. The new subdivider has provided a performance bond for the approved amount of \$381,928. The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

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FILE LOCATION: SUBD-Mercy Mira Mesa Unit No. 3
CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116:

Two actions relative to Scott Street and Shelter Island
Drive:

Subitem-A: (R-91-1641) ADOPTED AS RESOLUTION R-277739

Approving the acceptance by the City Manager of a
street easement deed of Union Bank, granting to the
City an easement for public street purposes in Lots 6
and 7 in Block 12 of Roseville Map-165; dedicating said
land as and for a public street and naming the same
Scott Street.

Subitem-B: (R-91-1642) ADOPTED AS RESOLUTION R-277740

Approving the acceptance by the City Manager of that
deed of Union Bank, granting to the City an irrevocable
right to set aside a portion of Shelter Island Drive
for a future street, in Lots 7, 8 and 9 in Block 12 of
Roseville, Map-165.

FILE LOCATION: Subitem-A: DEED F-5572; Subitem-B: DEED
F-5573 DEEDFY91-2

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-91-1719) ADOPTED AS RESOLUTION R-277741

Vacating the City's interest in unneeded sewer and drainage easements affecting Lots 226 and 227, Mercy Mira Mesa Unit No. 5, Map-12086, pursuant to Section 8300 et seq. of the Streets and Highways Code.
(Mira Mesa Community Area. District-6.)

FILE LOCATION: DEED F-5574 DEEDFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-91-1718) ADOPTED AS RESOLUTION R-277742

Approving the acceptance by the city Manager of a deed of Daley Corporation and Donald L. Daley, conveying to the City a drainage easement in Lot 41, Partition of Rancho Mission of San Diego, Map-330; authorizing the execution of a quitclaim deed, quitclaiming to Daley Corporation and Donald L. Daley, all of the City's right, title and interest in the drainage easement in Lot 41, Partition of Rancho Mission of San Diego, Map-330.
(Serra Mesa Community Area. District-5.)

FILE LOCATION: DEED F-5575 DEEDFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-119: (R-91-1747) ADOPTED AS RESOLUTION R-277743

Excusing Deputy Mayor Bob Filner from the March 13, 1991, Public Facilities and Recreation Committee meeting while on official business at the National

League of Cities Annual Congressional Conference in
Washington, D. C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-120: (R-91-1666) ADOPTED AS RESOLUTION R-277744

Excusing Councilmember Ron Roberts from attending the
regularly scheduled Council meeting of Tuesday, March
19, 1991, to attend a meeting of the National
Commission on Distressed Public Housing in Washington,
D. C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-121:

Five actions relative to the commending honorees of the
Workers Memorial Day Dinner:

Subitem-A: (R-91-1755) ADOPTED AS RESOLUTION R-277716

Commending Tom Vandeveld for his outstanding
contributions to the San Diego community as President
of the United Food and Commercial Workers Union Local
135.

Subitem-B: (R-91-1756) ADOPTED AS RESOLUTION R-277717

Commending David Moore for his outstanding
contributions to the San Diego community as Business

Manager/Financial Secretary of the International
Brotherhood of Electrical Workers, Local Union 465.

Subitem-C: (R-91-1757) ADOPTED AS RESOLUTION R-277718

Commending Jef Eatchel for his outstanding
contributions to the San Diego community as
Secretary/Treasurer of the Hotel Employees and
Restaurant Employees Union of San Diego, Local 30.

Subitem-D: (R-91-1758) ADOPTED AS RESOLUTION R-277719

Commending Ray Butler for his outstanding contributions
to the San Diego community as the Secretary/Treasurer
of the Allied Printing Trades Council and the Executive
Council of the San Diego/Imperial Counties Labor
Council.

Subitem-E: (R-91-1959) ADOPTED AS RESOLUTION R-277720

Commending David Gregory for his outstanding
contributions to the San Diego community as Regional
Director for Region VI of the AFL-CIO Committee on
Political Education.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-91-1749) ADOPTED AS RESOLUTION R-277745

Declaring and designating June 1, 1991 as "Los
Penasquitos Canyon Preserve Park Day."
(District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-123: (R-91-1703) ADOPTED AS RESOLUTION R-277746

Declaring Saturday, May 18, 1991 as "Kids' Fishing Day at Lake Murray"; waiving permit fees required to engage in fishing at Lake Murray for children 15 years of age and under on that day.
(District-7.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-124: (R-91-1704) ADOPTED AS RESOLUTION R-277747

Waiving the standby firefighters fees billed to the Lake Murray Kiwanis Club, for the 7th Annual Lake Murray community Picnic Fireworks Show, which will be held on May 18, 1991.
(District-7.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-125: (R-91-1701) ADOPTED AS RESOLUTION R-277748

Authorizing the expenditure of an amount not to exceed \$152,313 from Gas Tax Fund 32191, CIP-37-028, Annual Allocation, Undergrounding of City Utilities, as payment to San Diego Gas and Electric Company for the purchase and installation of 15 new street lights to

replace existing pole mounted street lights in the
Imperial Avenue (8th Avenue to 24th Street) Underground
Utility District.
(Barrio Logan Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's
Utility Undergrounding Program, existing pole-mounted street
lights must be replaced with new street lights when the overhead
utilities are removed. The City owns all street lights, and it
is necessary for the City to pay this cost. SDG&E has estimated
the cost of purchasing and installing new street lights to be
\$152,313 if installed by their contractor. The City has the
option of purchasing and installing this street light through a
City contract. However, the City's cost estimate for this
project is \$161,930, which is more than SDG&E's cost estimate.

Aud. Cert. 9100770.

FILE LOCATION: STRT K-181

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-126: (R-91-1700) ADOPTED AS RESOLUTION R-277749

Authorizing the expenditure of an amount not to exceed
\$70,713 from Gas Tax Fund 32191, CIP-37-028, Annual
Allocation, Undergrounding of City Utilities, as
payment to San Diego Gas and Electric Company for the
purpose of providing funds for the purchase and
installation of 13 new street lights to replace
existing pole mounted street lights in the Marina "G"
Blocks Underground Utility District.
(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's
Utility Undergrounding Program, existing pole-mounted street
lights must be replaced with new street lights when the overhead
utilities are removed. The City owns all street lights, and it
is necessary for the City to pay this cost. SDG&E has estimated
the cost of purchasing and installing new street lights to be
\$70,713 if installed by their contractor. The City has the
option of purchasing and installing this street light through a

City contract. However, the City's cost estimate for this project is \$76.220, which is more than SDG&E's cost estimate.

Aud. Cert. 9100771.

FILE LOCATION: STRT K-162

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-127:

Two actions relative to a grant application for Encanto Neighborhood Park:

Subitem-A: (R-91-1664) ADOPTED AS RESOLUTION R-277750

Authorizing the City Manager to submit an application to the State Department of Parks and Recreation to secure funding for the development of Encanto Neighborhood Park; authorizing the City Auditor and Comptroller to establish separate interest bearing account for the grant project; authorizing the City Manager, or his representative, to conduct all negotiations, execute and submit all documents as may be necessary for the completion of this grant project.

Subitem-B: (R-91-1665) ADOPTED AS RESOLUTION R-277751

Certifying that the information contained in Environmental Negative Declaration END-88-1054, dated November 14, 1988, in connection with the development of Encanto Neighborhood Park, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and State guidelines (California Administrative code Section 15000 et seq.), and that said report has been reviewed and considered by the Council; approving the Negative Declaration, finding no substantial evidence that the project will have a significant effect on the environment.

CITY MANAGER SUPPORTING INFORMATION: As part of the State's current year budget, legislation was passed which funded several park projects for the City of San Diego. Encanto Neighborhood Park was one of those projects and was appropriated \$50,000 in grant funding. A complete grant application is now required to obtain the funding. The project will include demolition and removal of a public restroom which has become a center of drug activity in the community. Approximately one acre of the park will be landscaped, including that area where the restroom now stands.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-128: (R-91-1730) ADOPTED AS RESOLUTION R-277752

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$50,000 for the Fiscal Year 1992 Arts and Cultural Program; authorizing the City Manager to administer any grant funds received from the California Arts Council State/Local Partnership program for Fiscal Year 1992 for program and administrative support of the City's Commission for Arts and Culture.

CITY MANAGER SUPPORTING INFORMATION: The California Arts Council, a State agency, was established in January 1976 to encourage artistic awareness, participation and expression. The CAC State/Local Partnership program (SLPP) was established to foster cultural development on the local level through a partnership between the CAC and the State's local arts agencies. The nature of this partnership includes funding, information exchange, cooperative activities, and leadership to stimulate and enable individuals, organizations and communities to create, present, and preserve the art of all cultures to enrich the quality of life for all Californians. This is the final year the City of San Diego will be eligible to apply under the State/County Partnership for a grant. An application for funding in the amount of \$50,000 will be submitted for the Fiscal Year 1992 Arts and Culture Program. Funds will be requested to support the Multicultural Fellowship Program and to extend the

contract of the Public Art Project Consultant. Funding will assist in the completion of the Public Art Master Plan, the development of Arts, Cultural and Tourism Partnerships and participation in a National Economic Impact Study.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-129: (R-91-1668) ADOPTED AS RESOLUTION R-277753

Authorizing the City Manager or his representative to sign an amendment to the agreement with the Department of Boating and Waterways for Mission Bay Park South Shores, to extend the contract term to May 1, 1993. (Mission Bay Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The City received a \$700,000 grant from the State Department of Boating and Waterways for improvements at Mission Bay Park South Shores including a boat launching ramp, parking lot and public restroom. The contract for that grant is due to expire on May 1, 1991. Due to unexpected environmental problems associated with the former landfill at the site, the project will not be completed on time. As a result an extension of the original agreement is needed. Boating and Waterways has issued amendments to the agreement which would extend the term to May 1, 1993. This new time frame will coincide with the project's scheduled completion date of March 1993.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-130: (R-91-1621) ADOPTED AS RESOLUTION R-277754

Authorizing the execution of an agreement with San Diego Unified School District, to release Child Care Trust Funds specified for the Washington Elementary School Child Care Project, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of this agreement; authorizing the expenditure of an amount not to exceed \$100,000 from Child Care Construction Trust Fund 10402, for the purpose of providing funds for the above agreement.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego received a \$100,000 donation from an anonymous donor to develop a child care center at the Washington Elementary School on Union Street. The funds were placed in the Child Care Construction Trust Fund 10402 by an Ordinance amending Ordinance O-17122-1. The agreement with the San Diego Unified School District would authorize the City Manager to release these funds to the architect and subcontractors working to design and retrofit a child care center on the Washington Elementary School site of the San Diego Unified School District. Design work for this child care center that will accommodate up to 90 children has already begun.

Aud. Cert. 9100701.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-131: (R-91-1734) ADOPTED AS RESOLUTION R-277755

Authorizing the execution of an agreement with Larry Walker Associates, for professional consultant services in connection with the U.S. Environmental Protection Agency's grant management for the South Bay Land Outfall Project, together with any amendments or modifications which do not increase the project's scope or cost and which the City Manager shall deem necessary

to carry out the purposes and intent of this project and agreement; authorizing the City Auditor and Comptroller to transfer the amount of \$48,511 within Clean Water Program Fund 41509, from CIP-46-147.0, Modified Wastewater Treatment Facilities Plan, to CIP-46-154.0, South Bay Land Outfall; authorizing the expenditure of an amount not to exceed \$48,511 from Clean Water Program Fund 41509, CIP-46-154.0, South Bay Land Outfall, for the purpose of providing funds for this project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances warrant.
(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: In March, 1989 the City was awarded, through the State Water Resource Control Board (SWRCB), an Environmental Protection Agency (EPA) step 3 construction grant for the South Bay Land Outfall (SBLO) project. As grantee, the City is responsible for the successful administration and completion of the SBLO project. Construction management will be provided by the International Boundary and Water Commission (IBWC), and the City is additionally responsible for the IBWC's administrative actions related to this project. Due to the complexity of the EPA grant process, the City is seeking management assistance related to EPA requirements for the SBLO grant to maximize grant reimbursement and to ensure that all EPA and SWRCB grant regulations are adhered to. Approximately \$10 to \$12 million in grant funds could be impacted by non-compliance with EPA and SWRCB requirements. Federal and state agencies responsible for administering the grants have become increasingly restrictive in eligibility determinations. It is not uncommon for the final audit determination after completion of a project to disallow portions of the project costs, thereby significantly increasing the City's share of the costs. Grants management assistance is so specialized that Larry Walker Associates (LWA) is the only firm in California with the expertise specifically oriented to EPA Clean Water Grant projects. LWA assists Clean Water Grant recipients in avoiding common program pitfalls and in maximizing grant eligibility. This is accomplished by assisting grant recipients in establishing proper recordkeeping systems and managing their grant projects in conformance with all program requirements. They are also familiar with the latest EPA audit practices and strategies to defend against potential disallowances. Currently, LWA is under contract with the City to assist in final audit resolution for various other EPA grants.

Aud. Cert. 9100800.

WU-CWP-91-161.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

* ITEM-132: (R-91-1717) ADOPTED AS RESOLUTION R-277756

Authorizing the execution of an agreement with Lyon and
Lyon, Inc. for construction and reimbursement of a
water main in Smith Street, together with any
modifications or amendments which do not increase the
project scope or cost and which the City Manger shall
deem necessary to carry out the purposes and intent of
this project and agreement; authorizing the expenditure
of an amount not to exceed \$43,432 from Water Revenue
Fund 41502, CIP-73-083.0, Annual Allocation for Water
Main Replacements, to provide funds for the above
project; authorizing the City Manager to finance or
refinance this project with tax exempt securities, if
circumstances warrant.
(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: As a condition of
Building Permit No. B-002477-90, the developer is required to
construct approximately 343 lineal feet of 8-inch P.V.C. water
main, and one fire hydrant in Smith Street at the cost of the
City of San Diego. The main will benefit the City as a whole.
After City acceptance of the facilities, the City will reimburse
the developer for 100 percent of the cost of design and
replacement for said main, except that the cost reimbursement
shall not exceed \$43,432.

Aud. Cert. 9100766.

WU-U-91-105.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-133: (R-91-1729) CONTINUED TO MONDAY, MAY 6, 1991

Authorizing the execution of a five-year Right-of-Entry
Permit with Woodcrest Development, Inc. for the
installation of subdivision directional signs upon
City-owned open space property located within
Penasquitos Park View Estates, at a monthly rental of
\$1,971, subject to annual C.P.I. adjustments.
(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: In 1987, the City Council
approved Genstar Development Inc.'s subdivision map for
Penasquitos Park View Estates Unit No. 8. Approval of the
139.5-acre subdivision map created 198 single family residential
lots and one 10-acre lot designated as a school site; one 6-acre
lot designated as the site for the Penasquitos Creek Neighborhood
Park, and four lots designated as open space which were granted
to the City. Woodcrest Development Inc., the current owner and
developer of Unit No. 8, wishes to utilize portions of two of the
open space lots for the installation of subdivision directional
signs to direct potential home buyers to various residential
development projects in the area. The property is encumbered
with an open space easement and the City Attorney's Office opined
that such use is inconsistent with the easement. However, the
City Council may authorize execution of the agreement permitting
this use of City-owned property. The monthly rental rate for the
permit was established by utilizing the Property Department's
sign permit pricing schedule, which considers:

- Size of the sign
- Anticipated traffic levels
- Number of subdivisions advertised

The proposed signs are approximately 8' x 10' in size, similar in
design to those currently in place throughout the community and
must conform to guidelines administered by the City's Sign Permit
Services Division. Also, the City will receive a fair rental on
the property; therefore, the City Manager recommends approval of
the permit.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A390-400.)

MOTION BY WOLFSHEIMER TO CONTINUE TO MONDAY, MAY 6, 1991 IN ORDER TO ALLOW THE COMMUNITY PLANNING GROUP TO HEAR THIS ITEM ON THEIR MAY 1ST AGENDA. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (R-91-1365) CONTINUED TO MONDAY, MAY 20, 1991

(Continued from the meetings of March 18, 1991, Item 126, and April 8, 1991, Item 205; last continued at the City Manager's request, for further information.)

Authorizing the City Manager to declare Net Enterprises, Inc. in default of its contract with the City of San Diego for the Construction of the Clairemont Friendship Center, and to terminate said contract; authorizing and directing the City Attorney to take the necessary actions to recover costs associated with the termination in accordance with the terms of the contract; declaring Net Enterprises, Inc. to be a non-responsible contractor and directing the Purchasing Agent to not consider any future bids submitted by or on behalf of said contractor for a period of three years; authorizing and directing the City Manager to complete the improvements required, in accordance with the terms of the contract specifications.

(Clairemont Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On October 26, 1987, City Council authorized the award of a contract to Net Enterprises, Inc. for the Construction of Clairemont Friendship Center at the bid amount of \$677,200 (RR-269566). The 7,200 square foot Senior Citizen's Center was constructed on City property located within North Clairemont Community Park and is operated by the Clairemont Friendship Center, Inc., a non-profit organization. Construction began on January 7, 1988, and was substantially completed by November 12, 1988 when Clairemont Friendship Center, Inc., took beneficial occupancy. However, the Notice of Completion was not filed with the County Clerk at that time because of significant contract work that had not been completed, including: roof leaks, flooring repair, damage to the park grounds by the contractor during construction and other construction flaws. All but the roof leaks and flooring repair have been resolved as of this date. Numerous attempts to have either Net Enterprises, Inc. or their bonding company, Golden Eagle Insurance Company,

make the necessary repairs did not generate sufficient results. As a consequence of the contractor's lack of responsiveness and in consideration of the approach of winter rains, it is recommended that the contractor be declared in default according to the contract documents and that the City Attorney be directed to institute default proceedings.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A301-320.)

MOTION BY WOLFSHEIMER TO CONTINUE TO MONDAY, MAY 20, 1991 AT THE REQUEST OF THE CITY MANAGER AS THE COMPANY HAS HIRED A NEW SUB-CONTRACTOR TO REPAIR THE ROOF AND CARPET AND THE CITY IS BEGINNING TO SEE PROGRESS ON THIS PROJECT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (R-91-1793) TRAILED TO TUESDAY, APRIL 23, 1991
AT 2:00 P.M.

Authorizing the issuance of bonds, approving forms of Bond Indenture, Bond Purchase Contract and Preliminary Official Statement for Community Facilities District No. 1 - Miramar Ranch North.
(Miramar Ranch North Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On September 18, 1990, the City Council approved a settlement agreement between the City and McMillin-BCED regarding development in the Miramar Ranch North Community. One provision of this agreement was the formation of a Mello-Roos Community Facilities District to issue bonds for the purpose of financing major infrastructure needs in that area. Actions were taken on January 8, 1991 to form the District, authorize the levy of special taxes, conduct a vote of qualified voters in the district and declare the necessity to issue bonds. The City Council authorized Paine Webber and Bancroft, Garcia and Lavell to underwrite the bonds. The financing documents required to issue the bonds are:

1. The Bond Indenture, which establishes the terms and conditions for the issuance of bonds.
2. The Bond Purchase Contract among the underwriters and the District.
3. The Preliminary Official Statement.

Approval of the Bond Indenture and Preliminary Official Statement and authorization to execute the Bond Purchase Contract are required so that the District can issue bonds.

FILE LOCATION: STRT CF-1

COUNCIL ACTION: (Tape location: A301-B340.)

MOTION BY WOLFSHEIMER TO TRAIL TO TUESDAY, APRIL 23, 1991 AT 2:00 P.M. AT THE REQUEST OF THE CITY MANAGER TO BE HEARD WITH COMPANION ITEM S505. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-91-1698) TRAILED TO TUESDAY, APRIL 23, 1991
AT 2:00 P.M.

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of an approximate 0.898-acre vacant parcel of land which is part of an approximate 5.36-acre property known as a portion of Parcel 2, State Board of Equalization 141-37-46D located in the City of San Diego; and that the public interest, convenience and necessity demand the acquisition of fee interest subject to easements to said property to provide additional access, a parking lot and landscaping for the expansion of the East Clairemont Athletic Area, a neighborhood park project; declaring that an offer to purchase the property has been made to the record owner and the offer rejected; directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property. (See City Manager Report CMR-91-188. Clairemont Mesa Community Area. District-5.)

Aud. Cert. 9100765.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A402-446.)

MOTION BY HENDERSON TO TRAIL TO TUESDAY, APRIL 23, 1991 AT 2:00 P.M. AT THE REQUEST OF THE CITY MANAGER AS NEW

INFORMATION WAS JUST RECEIVED FROM SDG&E THAT SHOULD BE REVIEWED. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: (R-91-1711) ADOPTED AS RESOLUTION R-277757

Declaring April 25 and 26, 1991 to be "Community Mobilization Days" in San Diego; urging all citizens to support the concept of partnership and coalitions between prosecution, law enforcement, probation, community based organizations, education, parents and private industry and work toward a drug and gang free community.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A243-275.)

MOTION BY PRATT TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S401: (R-91-1552) ADOPTED AS RESOLUTION R-277758

Inviting bids for the Construction of Metro Pump Station No. 2 -- Control Room on Work Order No. 171641; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$740,000 from Sewer Fund 41507, CIP-46-101.0, for providing funds for said project and related costs.
(BID-K2254/91)
(Pacific Highway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Metro Pump Station No. 2, located on North Harbor Drive, pumps all of the City and Metro sewage flows to the Point Loma Wastewater Treatment Plant. It was originally constructed in 1962 with four pumps with built-in provisions for a total of eight pumps. Two more were installed in 1986. The additional two pumps are needed for the station to continue to meet peak demand and to allow one pump as standby. The seventh pump assembly was recently accelerated and installed

under this CIP program. For reliability in the event of power failure, a proposed 8th pump assembly and one existing electric motor-driven pump assembly need to be installed with natural gas-driven engines. The size of these engines is such that they will have right angle drives which will require the relocation of the pump station control room. The construction of a new control room is a prerequisite to the installation of these engines and will update the facility. The project has an EPA mandated completion date of December 1992.

Aud. Cert. 9100791.

WU-P-91-148.

FILE LOCATION: W.O. 171641 CONT - Landex Construction Corp.
CONFY91-1

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402: (R-91-1786) ADOPTED AS RESOLUTION R-277759

Declaring that the quarterly night City Council meeting shall be scheduled for May 21, 1991 at the City Heights Recreation Center (in the City Heights area) to commence at 6:00 p.m.; directing the City Clerk to post and publish, as necessary, the notice of the meeting with the date, time, and location and make the necessary preparations and arrangements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S403: (R-91-1754) ADOPTED AS RESOLUTION R-277760

Authorizing the City Manager to submit an application to the California Department of Parks and Recreation to secure funding for the preservation of Piedras Pintadas (Painted Rocks) Archeological Site and its integration with San Dieguito River Valley Regional Park; committing \$246,250 of future Capital Improvement Funds as project matching funds; establishing a separate interest bearing account for the grant project; authorizing the transfer of \$246,250 from Fiscal Year 1993 Water Revenue Fund 41502 to the special interest bearing account upon the receipt of state grant funds; authorizing the expenditure of \$246,250 as matching funds for the project, upon the receipt of state grant funds.

(Rancho Bernardo/Lake Hodges Community Area.
District-1.)

CITY MANAGER SUPPORTING INFORMATION: As part of the 1991 State budget, legislation was passed which provided funding for several park projects in the City of San Diego. Preservation of the San Dieguito River Valley Regional Park - Piedras Pintadas (Painted Rocks) Archeological Site was one of those projects for which \$250,000 in grant funding was appropriated. This site is located on Water Utilities Land in the Rancho Bernardo/Lake Hodges area of the San Dieguito River Valley Regional Park focused planning area. The rocks contain art and pictographs created by Native Americans who inhabited the area 500 years ago. Until recently, the Piedras Pintadas have been protected by their remoteness; this is no longer the case. To protect the site from illegal intrusion of off-road vehicles and to stop the dumping of refuse and debris, Water Utilities recently constructed a protective rock barrier. The site's integrity is also threatened by a housing development which could approach to within 100 yards of the site. Mission Indian Bands and the Piedras Pintadas Subcommittee of the Native American Advisory Committee identified the protection and preservation of the Piedras Pintadas site as a top priority. The grant intention is to further preserve and enhance this site and integrate it with the development of the San Dieguito River Valley Regional Park. The grant application must be submitted to the State Department of Parks and Recreation by May 1, 1991.

WU-U-91-176.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-91-1789) ADOPTED AS RESOLUTION R-277761

Directing the City Manager, City Attorney, and Planning
Director to review the 1990 Federal Census Information
by Council districts, for the purpose of advising the
City Council on the necessity to redistrict the City of
San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-C486.)

MOTION BY HENDERSON TO ADOPT AND SCHEDULE TWO PUBLIC
HEARINGS FOR APRIL 30, 1991 AT 7:00 P.M. IN GOLDEN HALL AND
MAY 3, 1991 AT 2:00 P.M. IN COUNCIL CHAMBERS. STAFF WAS
REQUESTED TO PROVIDE THE FOLLOWING INFORMATION BY THE FIRST
PUBLIC HEARING:

REQUEST BY FILNER: ACCORDING TO THE CHARTER CHANGE AND
SETTLEMENT AGREEMENT WITH THE CHICANO FEDERATION, WE ARE NOT
REQUIRED TO REDISTRICT AT THIS TIME. WE ARE IN COMPLETE
ADHERENCE WITH THE SETTLEMENT AGREEMENT. UNDER FEDERAL LAW
THERE IS A NINE MONTH PERIOD AS TO WHEN TO REDISTRICT:
DISTRICTS 4 AND 8 SHOULD NOT BE CHANGED. PLEASE CLARIFY
THIS POINT. REQUEST BY ROBERTS: HOW CAN WE DEAL WITH THE
REALITIES OF THE NEW CENSUS INFORMATION? DISTRICT #2
PROVIDED CITY ATTORNEY AND PLANNING DIRECTOR WITH A NEW MAP
AND BACKUP INFORMATION FOR REVIEW. THIS MAP SEEKS TO WORK
OUT A COMPROMISE BETWEEN THE RAB MAP AND REALITIES OF NEW
CENSUS INFORMATION AVAILABLE NOW. STAFF WAS DIRECTED TO
REPORT BACK AT THE FIRST PUBLIC HEARING ON THE LEGALITY OF
THIS NEW MAP. REQUEST BY HARTLEY: THERE IS A ONE TIME
WAIVER TO PERMIT REDISTRICTING PRIOR TO THE 1993 MUNICIPAL
ELECTION SHOULD THE FINAL FIGURES SO REQUIRE. WHEN ARE THE
FINAL FIGURES DUE? AS THERE SEEMS TO BE A LOT OF CONFUSION
ON THIS DUE DATE, PLEASE CLARIFY THIS INFORMATION BY THE
FIRST PUBLIC HEARING ON APRIL 30. REQUEST BY WOLFSHEIMER:
IF WE HOLD THESE MEETINGS ON APRIL 30 AND MAY 3, IS THERE
ENOUGH TIME FOR NOTICING AND OPPORTUNITY TO SUBMIT MAPS AND
BE HEARD? WHETHER OR NOT WE SHOULD BE PUTTING TOGETHER AN
ASIAN AND/OR FILIPINO DISTRICT. AS THERE IS AN ALLEGATION
THAT WE ARE SUPPOSED TO HAVE AN ASIAN AND FILIPINO DISTRICT
SET UP, IS IT POSSIBLE TO DO THAT AND HAVE NUMBERS AND

INFORMATION AS TO HOW IT SHOULD BE SET UP AND WHAT THE BOUNDARIES WOULD BE BEFORE THE NEXT MEETING? IN REGARD TO THIS POINT, IF WE DO FIND THAT THE CENSUS DATA DOES YIELD THE POSSIBILITY OF AN ASIAN AND FILIPINO DISTRICT ARE WE REQUIRED TO DO THAT AND GIVE THAT MINORITY VOICE AND EMPOWERMENT AT THIS TIME UNDER FEDERAL LAW, OR ANY OTHER LAW? WHEN SHOULD WE REDISTRIBUTE? THERE IS A NINE MONTH PERIOD UNDER FEDERAL LAW AND THE CHICANO FEDERATION AGREEMENT AS TO WHEN TO REDISTRIBUTE. PLEASE CLARIFY THIS BEFORE THE FIRST PUBLIC HEARING. REQUEST BY MAYOR O'CONNOR: REFERRING THE QUESTION OF REDISTRICTING AND PRODUCTION OF MAPS (TO BE PRESENTED TO THE CITY COUNCIL AT THE FIRST HEARING). THE MAYOR DIRECTED STAFF, CITY ATTORNEY, CITY MANAGER AND PLANNING DIRECTOR TO WORK TOGETHER AND COME UP WITH A PROCESS TO HANDLE THE PROCEDURE FOR PRODUCTION AND PRESENTATION OF EACH MAP AS TO THE TIME FRAME, ANALYSIS AND LEGALITY OF EACH. REQUEST BY McCARTY: STAFF WAS DIRECTED TO PROVIDE COPIES OF THE ORIGINAL CITIZENS' ADVISORY BOARD MAPS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-91-1768) ADOPTED AS RESOLUTION R-277762

Council confirmation of the following reappointments by the Mayor to serve as members of the Advisory Board on Women, for terms ending March 1, 1993:
(See memorandum from Mayor O'Connor dated 4/15/91.)
Mary Costello
Linda R. Brown
Jane Haro
Cynthia L. Bernee
Jerelyn B. Dilno

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (R-91-1769) ADOPTED AS RESOLUTION R-277763

Council confirmation of the reappointments by the Mayor of Priscilla Young and Reverend Walter G. Wells, to serve as members of the Housing Advisory and Appeals Board, for terms ending March 1, 1993.

(See memorandum from Mayor O'Connor dated 4/15/91.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S407: (R-91-1770) ADOPTED AS RESOLUTION R-277764

Council confirmation of the following reappointments by the Mayor to serve as members of the International Affairs Board, for terms ending March 1, 1993:

(See memorandum from Mayor O'Connor dated 4/15/91.)

Michael L. Grisdale	Yolanda Walther-Meade
Kaneko Oshima Bishop	James Michael Murray
Sara Finn	Jose R. de la Garza
Mary Ann Salaber	Bert J. Salonen
Kathleen Roche-Tansey	

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S408: (R-91-1771) ADOPTED AS RESOLUTION R-277765

Council confirmation of the following reappointments by the Mayor to serve as members of the La Jolla Shores Planned District Advisory Board, for terms ending April 1, 1993:

(See memorandum from Mayor O'Connor dated 4/15/91.)

Sally W. Ashburn
J. Brian O'Donnell
Charles F. Kintner

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-400.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Hartley. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S409:

(Continued from the meeting of April 15, 1991, Item
201, at Attorney Jim Milch's request, for the
applicant.)

Consideration of Coastal Development Permit
CDP-90-0759, under the provisions of Centre City
Emergency Ordinance and Overlay Zone including
exceptions to allow the construction of a 210 room
hotel at 1533 Pacific Highway between Beech and Cedar,
described as Lots 3, 4, 7, 8, 9, 10 excepting the
northerly 13 feet of Lot 10, Block 288, Middletown,
City of San Diego, Centre City community planning area.
(CDP-90-0759. District-8.)

Subitem-A: (R-91-1930) ADOPTED AS RESOLUTION R-277766

Adoption of a Resolution certifying that the
information contained in Mitigated Negative Declaration
EMND-90-0759 has been completed in compliance with the
California Environmental Quality Act of 1970 and State
guidelines, and that said declaration has been reviewed
and considered by the Council.

Subitem-B: (R-91-1689) ADOPTED AS RESOLUTION R-277767

Adoption of a Resolution to approve the project,
subject to conditions of approval.

FILE LOCATION: PERM - CDP-90-0759

COUNCIL ACTION: (Tape location: C487-D290.)

MOTION BY FILNER TO ADOPT WITH CONSIDERATION THAT ALL CODES AND ORDINANCES REGARDING WATER REGULATION FOR CONSTRUCTION BE MET BEFORE ANY PERMITS ARE ISSUED. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Doris Citrone regarding discrimination.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D321-400.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 4:39 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D304).